

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DANNY COBOS,

Plaintiff,

v.

Civ. No. 22-0114 KG-GJF

R. LUCERO, *et al*,

Defendants.

ORDER TO CURE DEFICIENCIES

This matter is before the Court on the Prisoner Civil Rights Complaint, filed February 17, 2022 (Doc. 1) (Complaint). The caption lists two *pro se* Plaintiffs: Bennie Pino and Danny Cobos.<sup>1</sup> Pino and Cobos are incarcerated at the Central New Mexico Correctional Facility (CNMCF). The Complaint challenges the living conditions and use of force at that facility. However, only Pino signed the Complaint, and the attachments pertain to Pino's individual grievances. (Doc. 1) at 9-11, 14. *Pro se* plaintiffs cannot prosecute a lawsuit on behalf of other individuals. As the Tenth Circuit explained, "the competence of a layman is clearly too limited to allow him to risk the rights of others." *Fymbo v. State Farm Fire and Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) (quoting *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975)); *Amaro v. Att'y Gen. for New Mexico*, 781 Fed. App'x 693, 695 (10th Cir. 2019) (affirming dismissal of class action habeas claims). Accordingly, Cobos may not obtain relief based on the Complaint signed by Pino.

To obtain relief, Cobos must file his own complaint within thirty (30) days of entry of

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<sup>1</sup> The Clerk's Office opened a civil case for each Plaintiff, pursuant to *pro se* filing policies set by the Administrative Office of the U.S. Courts.

this Order. If, like Pino, Cobos seeks a temporary restraining order, he must allege specific facts showing: (1) a likelihood of success on the merits, (2) irreparable harm, which (3) outweighs any harm to defendants, and that (4) the injunction is in the public interest. *See Awad v. Ziriak*, 670 F.3d 1111, 1125 (10th Cir. 2012). Within thirty (30) days, Cobos must also prepay the \$402 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* along with a six-month inmate account statement. All filings must include the case number (Civ. No. 22-0114 KG-GJF). If Cobos did not intend to file his own civil rights action, he may simply decline to respond to this Order. The failure to timely file a signed complaint and address the filing fee will result in dismissal of this action without prejudice.

IT IS ORDERED:

1. Within thirty (30) days of entry of this Order, Plaintiff Danny Cobos shall: (1) file his own signed complaint; and (2) prepay the \$402 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* along with a six-month inmate account statement.
2. The Clerk's Office shall mail Plaintiff Danny Cobos a form civil rights complaint and a form motion to proceed *in forma pauperis*.

  
UNITED STATES DISTRICT JUDGE